

Applicant: John F. McGeever Jr.
Application Serial No.: 09/683,102
Filing Date: November 19, 2001
Docket No.: 1342-2
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REMARKS

Applicant has carefully considered the Office action dated January 27, 2003, and the references cited therein. Applicant has amended the application in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration is respectfully requested.

In the Office Action, the Examiner has noted the listing of patents in the specification does not constitute a proper Information Disclosure Statement. Accordingly, Applicant has prepared and filed herewith an Information Disclosure Statement citing the references set forth in the application and additional references. Consideration of these cited references is respectfully requested.

Claims 2, 3 and 8-11 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has noted that Claim 2 includes a period therein. In addition, Claims 3 and 8-10 have been rejected for depending from rejected Claim 2. Applicant has amended Claim 2 in order to remove the period and place it in proper U.S. format.

The Examiner has also rejected Claim 11 in that it does not appear to have any steps. Claim 11 has been amended by Applicant in order to overcome this rejection.

As a result of these amendments, Applicant respectfully submits that the claims are in compliance with §112, second paragraph.

The Examiner has indicated that Claims 4-6, 14-16 and 19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all the limitations of the base claim in any intervening claims. Applicant gratefully acknowledges this indication of allowable subject matter.

Claims 1, 7 and 11 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0140599 to King ("King"). This reference has also been used as a base reference for a 35 U.S.C. §103 rejection of Claims 12, 13, 17 and 18. Applicant respectfully submits that their invention was conceived and reduced to practice in the United States prior to the earliest available filing date of the King application, i.e., March 30, 2001. A declaration by the inventor pursuant to Rule 131 is filed herewith.

Exhibit A filed with the declaration includes a Disclosure document supports the elements of each of the rejected independent claims which have been rejected in view of King. The dates on the Disclosure document have been redacted, but the Declaration indicates that the conception and reduction to practice activities occurred prior to King's earliest filing date. The Disclosure document particularly describes and shows the claimed invention. Specifically, the disclosure describes a method and apparatus for underwater diver navigation including an underwater GPS system having a submergible capsule that houses a handheld GPS unit. The capsule which may be formed from an acrylic tube is attached via a link of marine grade cable to a float unit. The float unit includes a spring loaded cable reel and an external GPS antenna and a power source electronics package and dive flag. The float

unit remains on the surface of the water as the diver and GPS capsule descend below the water's surface.

The Disclosure document further shows that the capsule which may be in the form of an acrylic tube includes a cap which the marine grade cable extends. A water type pass through is included to prevent water from entering the capsule. The instrument platform which floats on the water includes a closed cell polyurethane float and a spring loaded cable reel to control the flow of the marine grade cable. An antenna box is located on top of the float.

As set forth in the Rule 131 Declaration, the device was conceived and reduced to practice prior to the March 30, 2001 date.

Accordingly, Applicant respectfully submits that the rejections based on the King reference should be withdrawn. Therefore, Claims 1-19 are allowable.

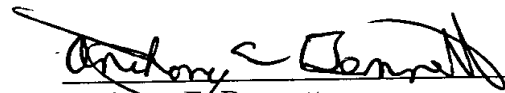
Applicant has added new Claims 20-23. Favorable consideration of these claims are respectfully requested.

In view of the amendments and remarks set forth above, favorable consideration of claims 1-23 is respectfully solicited.

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If the Examiner has any questions regarding this matter, he is respectfully invited to contact Applicant's attorney at the number set forth below.

Respectfully submitted,



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MARKED UP VERSION OF THE AMENDMENT SHOWING CHANGES MADE

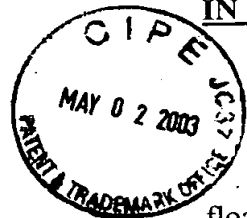
IN THE CLAIMS:

Please amend Claim 2 and Claim 11 as follows:

2. (Amended) A navigational device, as described in claim 1, wherein said

floatation device comprises:

- a. a floatation device of positive buoyancy so as to support said navigational device above said water surface
- b. a watertight module for housing a radio signal antenna
- c. said watertight module also housing a power supply
- d. a platform for supporting said watertight module a distance above said floatation device
- e. means for attaching said platform to said floatation device
- f. means for attaching said platform to said watertight module while maintaining the watertight nature of said module
- g. a ballast located so as to stabilize said navigational device in an upright position while deployed on said water surface
- h. an enclosure for housing a length of said waterproof signal conducting cable [of claim 1]
- i. said floatation device having an orifice in said cable enclosure whereby lengths of said waterproof cable can be released and retracted through said orifice, and
- j. a means for connecting said floatation device to one end of said signal cable and said watertight capsule to the distal end of said signal cable.



11. (Amended) A method for facilitating navigation for a diver underwater to navigate between locations, comprising the steps of:
- a. [a means for] identifying the current geographical position using a gps receiver
 - b. [a means for] marking additional geographic location after moving a distance
 - c. [a means for] utilizing gps location data, visually displayed, to navigate between the recorded position markings.

Please add new Claims 20-23:

20. A navigational device for providing a diver access to global positioning system, position information comprising:
- a GPS antenna;
 - a floatation device for supporting said antenna above the water surface;
 - a GPS receiver disposed in a watertight housing; and
 - a signal conducting cable operatively connecting said GPS receiver to said floatation device.
21. A navigational device, as described in Claim 20, further including an antenna power supply supported on said floatation device.
22. A navigational device as defined in Claim 20 further including a cable-reel, connected to said floatation device for dispensing a length of said signal conducting cable.

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23. A navigational device as defined in Claim 21, wherein said floatation device includes a watertight module for encasing said antenna and said power supply.